

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
YAVAPAI COUNTY, ARIZONA

THIS AGREEMENT is entered into 2 December, 1998,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the  
STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State")  
and YAVAPAI COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the  
"County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 and 28-334 to enter into  
this agreement and has by resolution, a copy of which is attached hereto and made a part hereof,  
resolved to enter into this agreement and has delegated to the undersigned the authority to execute this  
agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this  
agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to  
enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the  
County.

3. The State and the County desire to jointly participate in selecting and hiring a consultant to  
conduct a SR-89A access management study, hereinafter referred to as the Project, at an estimated cost  
of \$65,000.00, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

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NO. 22818  
Filed with the Secretary of State  
Date Filed: 12/02/98

Petrey Gayles  
Secretary of State

By WICKY D. Proenewald

## II. SCOPE

### 1. The State will:

a. Using State approved procurement procedures, advertise for, and with the concurrence of the County, select and hire a professional transportation planning consultant to accomplish the Project. Be the lead agency for the Project. Strictly comply with all state and federal procurement laws, rules and procedures.

b. Provide the County timely copies of Project progress reports and submittals, and insure the incorporation of County review comments. Provide the County a copy of the final report, and obtain the County's approval prior to making final payment to the consultant. Accept the final report on behalf of the parties hereto.

c. Be responsible for all Project costs over and above the County share of \$15,000.00, in an amount currently estimated at \$50,000.00, and for any consultant claims for extra compensation attributable to the State.

d. No more often than monthly, invoice the County, on an actual cost basis, with no profit or fee, in a total amount not to exceed \$15,000.00, for the County share of the project.

### 2. The County will:

a. Using State approved procurement procedures, participate with the State in the selection of a professional engineering transportation planning consultant to accomplish the Project.

b. Review Project progress reports and submittals and provide comments to the State or the consultant as appropriate. Review and approve the final report prior to the final payment to the consultant.

c. Contribute a maximum of \$15,000.00 to the Project. Be responsible for any consultant claims for extra compensation attributable to the County.

d. Reimburse the State within 30 days after receipt of invoices, in a total amount not to exceed \$15,000.00.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the award of a Project consultant contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

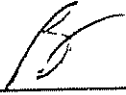
Yavapai County  
Public Works Director  
1100 Commerce Drive  
Prescott, AZ 86301

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

YAVAPAI COUNTY, ARIZONA

STATE OF ARIZONA  
Department of Transportation

By   
BILL FELDMEIER, Chairman  
Board of Supervisors

By   
JAY KLAGGE, Director  
Transportation Planning

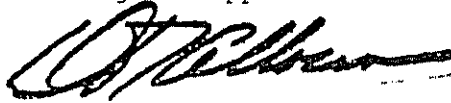
ATTEST

By   
BEV STADDON  
Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 21st day of September 1998, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Yavapai County for the purpose of defining responsibilities for conducting a SR-89A access management study.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director of Transportation Planning for approval and execution.

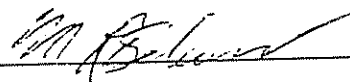
A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID R. ALLOCCO, P.E.  
Assistant State Engineer  
Engineering Technical Group  
for Mary E. Peters, Director

APPROVAL OF THE YAVAPAI COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and YAVAPAI COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 7th day of October, 1998.

  
\_\_\_\_\_  
County Attorney

**STATE ROUTE 89A ACCESS MANAGEMENT STUDY**  
**SCOPE OF WORK**  
**Draft September 15 , 1998**

The consultant will conduct an access management study for State Route (S.R.) 89A between the east Cottonwood City Limits and the west Sedona City Limits. The objective of the study is to prepare a management plan to maximize highway capacity and safety as the adjacent property develops. The primary products of the study will be an access management implementation plan and, policies and guidelines for maintaining controlled access along S.R. 89A. The consultant team will work closely with the Technical Advisory Committee (TAC) and other stakeholders to ensure an overall team approach to the study. The TAC will be comprised of members from ADOT's Flagstaff District, Statewide Project Management, Planning Group and, Yavapai County.

**WORK SCOPE**

The following elements should be addressed in the work scope:

**Task 1. Refine Scope of Work**

Product: Refined Scope of Work and Schedule

The consultant will work with the Technical Advisory Committee and will revise the project scope of work if required to meet the needs of the study and the concerns of the committee members. The schedule will be revised based on the refined scope of work.

**Task 2. Public Involvement and Coordination**

Product: Coordination meetings, workshops and public hearings.  
Disseminate public information.

The consultant will coordinate the study with ADOT's staff, Yavapai County, Cities of Cottonwood and Sedona, Coconino National Forest, Arizona State Land Department, major private property owners, and key individuals in the Cottonwood - Sedona area. The consultant will coordinate the study with roadway designs currently underway.

At least two public hearings will be held in the Cottonwood - Sedona area: one early in the study and one later in the study when recommendations are prepared. After each public hearing, open house or workshop, the consultant will provide to the TAC a public involvement / coordination status report. The consultant's public involvement work will include but not be limited to the following:

- A. Publish project information bulletins to describe study progress, summarize current activities, report key findings and announce upcoming public involvement events.

Each information bulletins will be distributed to relevant state and federal communities, counties, cities, public interest groups, interested individuals and the media.

- B. Prepare and issue press releases.
- C. Meet with interested groups or individual concerning Access Management Study.
- D. Notify all private and public land owners along the corridors and inform all property owners about the potential changes to the state highway and property access.
- E. Hold Open Houses/Community Workshops in any combination up to a total of two.
- F. Hold two Public Hearings for the Access Management Study.
- G. Maintain a detailed record of all public comments received (written or oral) and ADOT responses, including actions taken to address specific comments. Publish this record as an Appendix to the Final Report.

### Task 3. Analyze Policies for Controlled Access on S.R. 89A

Product: Feasibility Report

This task will analyze policies for controlling access on S.R. 89A between the east Cottonwood City Limits and the west Sedona City Limits. The report will present measures required by ADOT and local governments to implement control options on S.R. 89A including various levels of access control ranging from a low level of control to full access control. The type of facilities would consist of a four-lane divided arterial, or a four-lane highway.

#### *Subtask 3.1. Inventory Existing Conditions*

This task will document the existing transportation conditions. The available environmental data will be documented in GIS format for a one-mile strip, one half mile on each side of the future four-lane divided roadway. Only the environmental data needs to be documented on the one mile strip. ADOT has recently completed an environmental assessment for this roadway, this data should prove useful for this study. ADOT's Statewide Project Management Group currently has design projects underway for this route, some of the following data may be available for consultant use. The roadway inventory data will be documented for a 500-foot strip 250 feet on each side the future four-lane roadway. The roadway and environmental inventory will include the following information:

- Planning, transportation studies and roadway designs
- Socioeconomic conditions including environmental justice issues
- Physical and natural conditions including environmental issues
- Transportation conditions
- Programmed improvements
- Driveway locations
- Public and private land ownership
- County parcel data
- Existing and proposed ADOT right-of-way
- Existing                      and                      proposed                      roadway                      designs

Table 1 presents the existing data to be provided to the consultant by various agencies. At the outset of the project, the consultant will meet with the ADOT Project Administrator and members of the TAC to discuss data sources and schedules for collecting data. The consultant will contact Yavapai County to obtain the most recent GIS coverages including parcel coverage if available. Information provided by ADOT will be supplemented with databases previously developed by Yavapai County. In addition, 48-hour traffic counts with classifications will be taken at a minimum of two locations. The consultant will use ARC/INFO GIS for analysis and display. The inventory will be documented in the final report.

**TABLE 1. INVENTORY DATA TO BE PROVIDED TO THE CONSULTANT**

<b>Data Element</b>	<b>Sources</b>
Transportation Studies	ADOT, County
Land Use Studies and Development Proposals	County
GIS Coverages for Street Centerline and Parcels	County
Aerial Photography	ADOT
Road Inventory Data	ADOT, County
Pavement and Bridge Condition Data	ADOT
Right-of-way Data	ADOT, County, Forest Service
Traffic Counts and Vehicle Classification	Consultant, ADOT
Accident Data	ADOT
Environmental GIS Coverages	ADOT
Environmental Data	ADOT, U.S. Fish and Wildlife Service, Coconino National Forest, National Park Service
Historic Resources	National Park Service, County

### *Subtask 3.2. Identify Legal and Administrative Constraints*

The consultant will review and document the legal and administrative constraints to controlling access along S.R. 89A. The Arizona Revised Statutes (A.R.S), ADOT policies and procedures and, Yavapai County ordinances will be reviewed to identify existing legislative issues and legislative constraints. Flagstaff District access control permit process and procedures will also be reviewed to identify issues, opportunities and constraints. Local and ADOT government officials will be interviewed to identify problem areas with the current administrative environment. A literature search will be conducted to identify how other states, regional governments, and local agencies have approached similar issues. Potential



solutions will be addressed.

The issues to be considered will include, but not necessarily be limited to the following:

- Individual property rights
- Advanced right-of-way acquisition
- Intergovernmental cooperation on access management
- Administrative procedures required to implement access control on S.R. 89A
- Potential tradeoff issues of state, county, City of Sedona and Forest Service facilities
- Constraints on shared funding and potential innovative financing

### *Subtask 3.3. Identify Issues, Policies and Measures for Controlled Access*

The consultant will identify major issues, policies, and measures for controlling access along S.R. 89A including the following:

#### **Issues**

- Legal authority for land management and access control
- Permit application procedures

#### **Policies**

- Access goals and objectives for SR 89A
- Formal adoption by ADOT, Yavapai County and others
- Access management team

#### **Measures**

- Partial access control (maximum spacing, recommended spacing)
- Full limited access (maximum spacing, recommended spacing)
- Cross-streets and bridge crossings
  - \* Spacing
  - \* Right-of-way needs
- Existing and proposed internal street circulation for adjacent property
- Existing and proposed intersection and proposed interchange location and spacing
- Roadway cross-section
  - \* Lanes
  - \* Shoulder
  - \* Pavement type

### *Subtask 3.4. Implementation Guidelines*

The consultant will prepare implementation guidelines for the management of access along S.R. 89A as new development occurs. These guidelines will provide ADOT and the County with a mechanism to coordinate adjacent residential and commercial development with the development of S.R.89A.

Where necessary, prepare access permitting procedures for the access management team to include decision making authority, responsibilities, access control guidelines, reviewing

development plans, land use plans, intergovernmental cooperation, coordination on planning new and relocated roadways, and updating the Access Management Plan.

Local access design concepts should consider the following:

1. Construction or grading of frontage roads which would connect abutting properties to existing County roads
2. Combining certain driveways
3. Relocation of certain driveways to connect to existing roads
4. Reconfiguration of certain roads to tie to one access road
5. Construction of overpasses or interchanges at selected cross roads
6. Identification of right-of way needs for any overpasses or interchanges
7. A phasing plan for constructing local access
8. Guidelines for the internal circulation street system

The guidelines will include the following:

Land development and subdivision regulations that support access management

Comprehensive local land use and zoning controls

Adjacent development guidelines

- \* Access measures to be considered by Area and Specific Plans
- \* Control access at a specified minimum spacing
- \* Control right-of-way of cross-streets to permit future overpasses
- \* Design of parallel roadway systems including split alignments

Future right-of-way needs and acquisition guidelines

Phasing considerations for S.R. 89A

- \* Four-lane divided arterial
- \* Four-lane freeway

### *Subtask 3.5. Establish Permit Application Procedures*

Recommend and revise as necessary access permit application procedures that include at least the following items:

1. Define the administrative procedures necessary for the submittal, review, and acceptance/rejection of access permits.
2. Requires from the applicant a stated purpose and intent of the access point as part of the permit application. Identify the roles of all parties involved in the permit should be stated in the application. Identify in application the ultimate responsibility of the permit as either the property owner or a person with power of attorney to act for the property owner.
3. Determine when applications require a traffic analysis for permit classes that anticipate high traffic generation.
4. Require site plans for all permits, include drainage facilities and natural characteristics affecting drainage, width of property frontage, design and construction materials, and a vicinity map. Determine when applications require that site plans be signed by a professional engineer.

### *Subtask 3.6. Document Policies*

A draft final report for review and comment will be submitted to the TAC. The draft final report will include opportunities and constraints for legislative action, ADOT policies and procedures. The consultant will prepare a final report on the policies for controlling access and an action plan for implementing the policies along S.R. 89A. The final report will document the inventory of existing conditions, major issues, the guidelines for controlling access, and specific steps and planning studies which would be required. An action plan with specific tasks, responsibilities, and schedule will be prepared for implementing the policies. All study products will be formatted using Microsoft Windows: Word, Excel, and Power Point, and GIS products will be formatted in ArcInfo for PC's. Products will be submitted in hard copy and 3.5 inch floppy diskettes.

### **Task 4. Prepare Access Management Plan**

Product: S.R. 89A Access Management Plan

This task will prepare an access management plan for S.R. 89A between the east Cottonwood City Limits and west Sedona City Limits. The study will be coordinated with Yavapai County, Cities of Cottonwood and Sedona, National Forest Service, ADOT Engineering District and Statewide Project Management. The objective of the study is to prepare a management plan to maximize road capacity and safety as the adjacent property develops.

The plan will be based on the following access management principles:

- Control of adjacent use
- Minimize the number of access points
- Minimize vehicle, pedestrian, and bicycle conflicts
- Allow for safe lane changes and speed transitions
- Provide for the smooth transition of traffic from one roadway to another
- Provide for uniform speed on the primary facility

The development of the access management plan will consider a variety of control measures including the following:

- Control of projected land use
- Control of the number of access points and access point spacing
- Turning lanes and lane channelization
- Traffic signalization
- Potential grade separations
- Use of frontage roadways
- Realignment of intersections
- Circulation guidelines for new development

The consultant will prepare a draft final plan. The plan will be submitted to ADOT and Yavapai County for review and will be revised accordingly. A final access management plan will be prepared documenting the access control measures and the access management guidelines.

The Access Management Plan must include at least the following elements:

1. An introduction defining the study corridor and discussing the purpose of the access management plan.
2. An existing conditions sections presenting traffic and geometric conditions on State Route 89A.
3. Identify traffic interchange, intersection, driveway and signal locations, median type and location, driveway access policies and median break spacing. Information is to be presented in both tabular form and on aerial photos.
4. Implementation procedures outlining how the access management plan will be carried out including responsibilities and intergovernmental cooperation. Define a formal process for coordination with local governments on land use access control.
5. Procedure to adopt the access management plans including how the plans can be updated.

## PROJECT ADMINISTRATION

The project administrator for the study is Jack Shambaugh, in the Transportation Planning Group at ADOT. He can be reached at (602) 255-8141. He will be assisted by other members of TAC in the selection of the consultant team.

## TERMS OF AGREEMENT AND FUNDING LIMITATIONS

Once the consultant is selected, the project should be completed within 9 months from notice to proceed to completion. ADOT has an estimated budget of \$65,000 for professional services towards completion of this project. Funding is contingent upon the availability of Federal and Yavapai County funds.

## METHOD OF PAYMENT

The payments to the consultant will be based on monthly progress billings. The consultant must provide an itemized list indicating what tasks were performed and staff hours expended. In addition, ADOT will retain ten (10) percent of the monthly amount billed until the access management plan is completed to the satisfaction of ADOT and Yavapai County. Release of the retention money and final payment will be made as soon as possible after approval and delivery of the final study documents.

**CERTIFIED COPY OF ENTRY IN OFFICIAL MINUTES  
OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS**

YAVAPAI COUNTY            )  
                                      ) ss.  
ARIZONA                    )

Bev Staddon, having been first duly sworn, deposes and says:

I am the duly appointed, qualified and acting Clerk of the Yavapai County Board of Supervisors and in such capacity under the provisions of ARS §11-241 am charged with the responsibilities, among others, of recording all proceedings of the Board and maintaining custody of such records of the Board as are required by law to be maintained. Among the records of which I have custody is the official minute book of the Board of Supervisors which under the provisions of ARS §11-217 is required to be made and kept.

Set forth below is a copy of an entry in the aforesaid minute book of which, as aforesaid, I am the officer having the legal custody. This is my certificate under the provisions of Rule 44(A), Rules of Civil Procedure, and the Uniform Business Records Act, that the said copy is a true and correct copy thereof, to which I attest by my signature subscribed hereunto:

Date of meeting of which the minutes are a record: October 19, 1998.

The entry in the said minutes:


CONSENT AGNEDA FOR BOARD OF SUPERVISORS: Unless otherwise noted below, all items were approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Davis. No comments from the public...

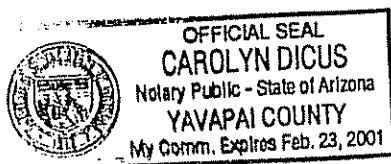
2.g Approve intergovernmental agreement with ADOT for SR 89A Management Study, for an amount not to exceed \$15,000. Supervisor Davis said he wanted Public Works Director Richard Straub to make sure that the consultant communicates with regional planners in the Verde Valley regarding this issue. He said he also wanted the press to be aware that the County was doing a corridor study and access management plan for area along Highway 89A between Cottonwood and Sedona, and that there would be public meetings to gather input. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Brownlow.

  
Bev Staddon, Clerk

SUBSCRIBED AND SWORN to before me November 16, 1998.

My Commission Expires:

  
Notary Public





GRANT WOODS  
ATTORNEY GENERAL

STATE OF ARIZONA  
OFFICE OF THE ATTORNEY GENERAL  
1275 WEST WASHINGTON, PHOENIX 85007-2997

TRN Main: (602) 542-1680  
Direct: (602) 542-8837  
Fax: (602) 542-3646  
MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR98-2191TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE November 24, 1998.

GRANT WOODS  
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:et/16952

Enc.